

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

333 Constitution Avenue, NW
Washington, DC 20001-2866
Phone: 202-216-7000 | Facsimile: 202-219-8530

CIVIL DOCKETING STATEMENT

All Cases Other than Administrative Agency Cases (To be completed by appellant)

1. CASE NO. 12-5305
2. DATE DOCKETED: 10/02/2012
3. CASE NAME (lead parties only) Stephen Dearth v. Eric Holder, Jr.
4. TYPE OF CASE: ☒ District Ct - ☒ US Civil ☐ Private Civil ☐ Criminal ☐ Bankruptcy
☐ Bankruptcy - if direct from Bankruptcy Court ☐ Original proceeding
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
If YES, cite statute _____
6. CASE INFORMATION:
- a. District Court Docket No. Bankruptcy Court Docket No. Tax Court Docket No.
Civil Action 09-cv-587 Bankruptcy _____ Tax _____
Criminal _____ Adversary _____
Miscellaneous _____ Ancillary _____
- b. Review is sought of:
☒ Final Order ☐ Interlocutory Order appealable as of right ☐ Interlocutory Order certified for appeal
- c. Name of judge who entered order being appealed:
Judge Robert L. Wilkins Magistrate Judge _____
- d. Date of order(s) appealed (use date docketed): 09/27/12 e. Date notice of appeal filed: 09/27/12
- f. Has any other notice of appeal been filed in this case? ☐ Yes ☒ No If YES, date filed: _____
- g. Are any motions currently pending in trial court? ☐ Yes ☒ No If YES, date filed: _____
If YES, identify motion _____
- h. Has a transcript of proceedings been ordered pursuant to FRAP 10(b)? ☒ Yes ☐ No
If NO, why not? _____
- i. Has this case been before the Court under another appeal number? ☒ Yes Appeal # 10-5062 ☐ No
- j. Are any cases involving the same underlying order or, to counsel's knowledge, involving *substantially the same issue*, currently pending before the District Court, this Court, another Circuit Court, or the Supreme Court?
☐ Yes ☒ No If YES, give each case's court and case name, and docket number: _____
- k. Does this case turn on validity or correct interpretation or application of a statute? ☒ Yes ☐ No
If YES, give popular name and citation of statute 1968 Gun Control Act, as amended, 18 USC §§ 922(a)(9), (b)(3)
7. Have the parties attempted to resolve issues in this case through arbitration, mediation, or another alternative for dispute resolution? ☐ Yes ☒ No If so, provide program name and participation dates _____

Signature /s/ Alan Gura Date 10/4/2012

Name of Party Stephen Dearth, Second Amendment Foundation, Inc.

Name of Counsel for Appellant/Petitioner Alan Gura

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement. Attach a certificate of service to this form.

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2012 I filed and served the foregoing Docketing Statement Form with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ Alan Gura
Alan Gura